

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 10

Introduced by Langemeier, 23.

Read first time January 8, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 39-2215,
2 Reissue Revised Statutes of Nebraska, and sections
3 60-301, 60-3,104, and 60-3,130.04, Revised Statutes
4 Cumulative Supplement, 2008; to provide for specialty
5 license plates; to change provisions relating to license
6 plate fees; to harmonize provisions; and to repeal the
7 original sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-2215, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 39-2215 (1) There is hereby created in the state treasury
4 a special fund to be known as the Highway Trust Fund.

5 (2) All funds credited to the Highway Trust Fund pursuant
6 to sections 66-489.02, 66-499, 66-4,140, 66-4,147, 66-6,108, and
7 66-6,109.02, and related penalties and interest, shall be allocated
8 as provided in such sections.

9 (3) All other motor vehicle fuel taxes, diesel fuel
10 taxes, compressed fuel taxes, and alternative fuel taxes related to
11 highway use retained by the state, all motor vehicle registration
12 fees retained by the state other than those fees credited to
13 the Highway Cash Fund pursuant to section 5 of this act and
14 the State Recreation Road Fund pursuant to subdivision (3) of
15 section 60-3,156, and other highway-user taxes imposed by state
16 law and allocated to the Highway Trust Fund, except for the
17 proceeds of the sales and use taxes derived from motor vehicles,
18 trailers, and semitrailers credited to the fund pursuant to section
19 77-27,132, are hereby irrevocably pledged for the terms of the
20 bonds issued prior to January 1, 1988, to the payment of the
21 principal, interest, and redemption premium, if any, of such bonds
22 as they mature and become due at maturity or prior redemption
23 and for any reserves therefor and shall, as received by the State
24 Treasurer, be deposited in the fund for such purpose.

25 (4) Of the money in the fund specified in subsection

1 (3) of this section which is not required for the use specified
2 in such subsection, (a) an amount equal to three dollars times
3 the number of motorcycles registered during the previous month
4 shall be placed in the Motorcycle Safety Education Fund, (b) an
5 amount to be determined annually by the Legislature through the
6 appropriations process may be transferred to the Motor Fuel Tax
7 Enforcement and Collection Cash Fund for use as provided in section
8 66-738 on a monthly or other less frequent basis as determined by
9 the appropriation language, (c) an amount to be determined annually
10 by the Legislature through the appropriations process shall be
11 transferred to the License Plate Cash Fund as certified by the
12 Director of Motor Vehicles, and (d) the remaining money may be
13 used for the purchase for retirement of the bonds issued prior to
14 January 1, 1988, in the open market.

15 (5) The State Treasurer shall monthly transfer, from the
16 proceeds of the sales and use taxes credited to the Highway Trust
17 Fund and any money remaining in the fund after the requirements of
18 subsections (2) through (4) of this section are satisfied, thirty
19 thousand dollars to the Grade Crossing Protection Fund.

20 (6) Except as provided in subsection (7) of this
21 section, the balance of the Highway Trust Fund shall be allocated
22 fifty-three and one-third percent, less the amount provided for
23 in section 39-847.01, to the Department of Roads, twenty-three
24 and one-third percent, less the amount provided for in section
25 39-847.01, to the various counties for road purposes, and

1 twenty-three and one-third percent to the various municipalities
2 for street purposes. If bonds are issued pursuant to subsection
3 (2) of section 39-2223, the portion allocated to the Department
4 of Roads shall be credited monthly to the Highway Restoration
5 and Improvement Bond Fund, and if no bonds are issued pursuant
6 to such subsection, the portion allocated to the department
7 shall be credited monthly to the Highway Cash Fund. The portions
8 allocated to the counties and municipalities shall be credited
9 monthly to the Highway Allocation Fund and distributed monthly as
10 provided by law. Vehicles accorded prorated registration pursuant
11 to section 60-3,198 shall not be included in any formula involving
12 motor vehicle registrations used to determine the allocation and
13 distribution of state funds for highway purposes to political
14 subdivisions.

15 (7) If it is determined by December 20 of any year that a
16 county will receive from its allocation of state-collected highway
17 revenue and from any funds relinquished to it by municipalities
18 within its boundaries an amount in such year which is less than
19 such county received in state-collected highway revenue in calendar
20 year 1969, based upon the 1976 tax rates for highway-user fuels and
21 registration fees, the Department of Roads shall notify the State
22 Treasurer that an amount equal to the sum necessary to provide such
23 county with funds equal to such county's 1969 highway allocation
24 for such year shall be transferred to such county from the Highway
25 Trust Fund. Such makeup funds shall be matched by the county as

1 provided in sections 39-2501 to 39-2510. The balance remaining in
2 the fund after such transfer shall then be reallocated as provided
3 in subsection (6) of this section.

4 (8) The State Treasurer shall disburse the money in the
5 Highway Trust Fund as directed by resolution of the commission.
6 All disbursements from the fund shall be made upon warrants drawn
7 by the Director of Administrative Services. Any money in the fund
8 available for investment shall be invested by the state investment
9 officer pursuant to the Nebraska Capital Expansion Act and the
10 Nebraska State Funds Investment Act and the earnings, if any,
11 credited to the fund.

12 Sec. 2. Section 60-301, Revised Statutes Cumulative
13 Supplement, 2008, is amended to read:

14 60-301 Sections 60-301 to 60-3,221 and sections 4 and 5
15 of this act shall be known and may be cited as the Motor Vehicle
16 Registration Act.

17 Sec. 3. Section 60-3,104, Revised Statutes Cumulative
18 Supplement, 2008, is amended to read:

19 60-3,104 The department shall issue the following types
20 of license plates:

21 (1) Amateur radio station license plates issued pursuant
22 to section 60-3,126;

23 (2) Apportionable vehicle license plates issued pursuant
24 to section 60-3,203;

25 (3) Boat dealer license plates issued pursuant to section

- 1 60-379;
- 2 (4) Bus license plates issued pursuant to section
- 3 60-3,144;
- 4 (5) Commercial motor vehicle license plates issued
- 5 pursuant to section 60-3,147;
- 6 (6) Dealer or manufacturer license plates issued pursuant
- 7 to sections 60-3,114 and 60-3,115;
- 8 (7) Disabled veteran license plates issued pursuant to
- 9 section 60-3,124;
- 10 (8) Farm trailer license plates issued pursuant to
- 11 section 60-3,151;
- 12 (9) Farm truck license plates issued pursuant to section
- 13 60-3,146;
- 14 (10) Farm trucks with a gross weight of over sixteen tons
- 15 license plates issued pursuant to section 60-3,146;
- 16 (11) Fertilizer trailer license plates issued pursuant to
- 17 section 60-3,151;
- 18 (12) Film vehicle license plates issued pursuant to
- 19 section 60-383;
- 20 (13) Gold Star Family license plates issued pursuant to
- 21 sections 60-3,122.01 and 60-3,122.02;
- 22 (14) Handicapped or disabled person license plates issued
- 23 pursuant to section 60-3,113;
- 24 (15) Historical vehicle license plates issued pursuant to
- 25 sections 60-3,130 to 60-3,134;

1 (16) Local truck license plates issued pursuant to
2 section 60-3,145;

3 (17) Motor vehicle license plates for motor vehicles
4 owned or operated by the state, counties, municipalities, or school
5 districts issued pursuant to section 60-3,105;

6 (18) Motor vehicles exempt pursuant to section 60-3,107;

7 (19) Motorcycle license plates issued pursuant to section
8 60-3,100;

9 (20) Nebraska Cornhusker Spirit Plates issued pursuant to
10 sections 60-3,127 to 60-3,129;

11 (21) Nonresident owner thirty-day license plates issued
12 pursuant to section 60-382;

13 (22) Passenger car having a seating capacity of ten
14 persons or less and not used for hire issued pursuant to section
15 60-3,143;

16 (23) Passenger car having a seating capacity of ten
17 persons or less and used for hire issued pursuant to section
18 60-3,143;

19 (24) Pearl Harbor license plates issued pursuant to
20 section 60-3,122;

21 (25) Personal-use dealer license plates issued pursuant
22 to section 60-3,116;

23 (26) Personalized message license plates for motor
24 vehicles and cabin trailers, except commercial motor vehicles
25 registered for over ten tons gross weight, issued pursuant to

1 sections 60-3,118 to 60-3,121;

2 (27) Prisoner-of-war license plates issued pursuant to
3 section 60-3,123;

4 (28) Purple Heart license plates issued pursuant to
5 section 60-3,125;

6 (29) Recreational vehicle license plates issued pursuant
7 to section 60-3,151;

8 (30) Repossession license plates issued pursuant to
9 section 60-375;

10 (31) Specialty license plates issued pursuant to sections
11 4 and 5 of this act;

12 ~~(31)~~ (32) Trailer license plates issued for trailers
13 owned or operated by the state, counties, municipalities, or school
14 districts issued pursuant to section 60-3,106;

15 ~~(32)~~ (33) Trailer license plates issued pursuant to
16 section 60-3,100;

17 ~~(33)~~ (34) Trailers exempt pursuant to section 60-3,108;

18 ~~(34)~~ (35) Transporter license plates issued pursuant to
19 section 60-378;

20 ~~(35)~~ (36) Trucks or combinations of trucks,
21 truck-tractors, or trailers which are not for hire and
22 engaged in soil and water conservation work and used for the
23 purpose of transporting pipe and equipment exclusively used by such
24 contractors for soil and water conservation construction license
25 plates issued pursuant to section 60-3,149;

1 ~~(36)~~ (37) Utility trailer license plates issued pursuant
2 to section 60-3,151; and

3 ~~(37)~~ (38) Well-boring apparatus and well-servicing
4 equipment license plates issued pursuant to section 60-3,109.

5 Sec. 4. (1) The department shall design specialty license
6 plates as described in this section. The department shall make
7 applications available pursuant to section 5 of this act for each
8 type of specialty license plate when it is designed. The department
9 shall not manufacture a type of specialty license plate unless at
10 least five hundred prepaid applications are received for that type
11 of plate within two years after the applications for that type of
12 plate are made available to the public or unless the Legislature
13 specifically authorizes the manufacture of that type of plate.

14 (2) The department shall design specialty license plates
15 using a design reflecting support for the organization or concept
16 of the parties requesting the design in consultation with the
17 parties requesting the design and other interested parties. The
18 design shall be selected on the basis of (a) enhancing the
19 marketability of the plates and (b) limiting the manufacturing cost
20 of each plate to an amount less than or equal to the amount charged
21 for license plates pursuant to section 60-3,102.

22 (3) Specialty license plates shall be consecutively
23 numbered plates. The department shall:

24 (a) Number the plates consecutively beginning with the
25 number one, using numerals the size of which maximizes legibility;

1 and

2 (b) Not use a county designation or any characters other
3 than numbers on the plates.

4 Sec. 5. (1) A person may apply to the department for
5 specialty license plates in lieu of regular license plates on
6 an application prescribed and provided by the department for any
7 motor vehicle, trailer, semitrailer, or cabin trailer, except for
8 motor vehicles or trailers registered under section 60-3,198. An
9 applicant receiving a specialty license plate for a farm truck
10 with a gross weight of over sixteen tons or for a commercial
11 motor vehicle registered for a gross weight of five tons or
12 over shall affix the appropriate tonnage decal to the plate.
13 The department shall make forms available for such applications
14 through the county treasurers or designated county officials. Each
15 application for initial issuance or renewal of specialty license
16 plates shall be accompanied by a fee of seventy-five dollars.
17 Fees collected pursuant to this subsection shall be remitted to
18 the State Treasurer. The State Treasurer shall credit five dollars
19 of the fee for initial issuance and renewal of specialty license
20 plates to the Department of Motor Vehicles Cash Fund and seventy
21 dollars of the fee to the Highway Cash Fund.

22 (2) When the department receives an application for
23 specialty license plates, it shall deliver the plates to the
24 county treasurer or designated county official of the county in
25 which the motor vehicle, trailer, semitrailer, or cabin trailer

1 is registered. The county treasurer or designated county official
2 shall issue specialty license plates in lieu of regular license
3 plates when the applicant complies with the other provisions of
4 law for registration of the motor vehicle, trailer, semitrailer,
5 or cabin trailer. If specialty license plates are lost, stolen, or
6 mutilated, the licensee shall be issued replacement license plates
7 pursuant to section 60-3,157.

8 (3) (a) The owner of a motor vehicle, trailer,
9 semitrailer, or cabin trailer bearing specialty license plates
10 may make application to the county treasurer or designated county
11 official to have such specialty license plates transferred to a
12 motor vehicle, trailer, semitrailer, or cabin trailer other than
13 the motor vehicle, trailer, semitrailer, or cabin trailer for
14 which such plates were originally purchased if such motor vehicle,
15 trailer, semitrailer, or cabin trailer is owned by the owner of
16 the specialty license plates.

17 (b) The owner may have the unused portion of the
18 specialty license plate fee credited to the other motor vehicle,
19 trailer, semitrailer, or cabin trailer which will bear the
20 specialty license plate at the rate of eight and one-third percent
21 per month for each full month left in the registration period.

22 (c) Application for such transfer shall be accompanied by
23 a fee of three dollars. Fees collected pursuant to this subsection
24 shall be remitted to the State Treasurer for credit to the
25 Department of Motor Vehicles Cash Fund.

1 Sec. 6. Section 60-3,130.04, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-3,130.04 (1) An owner of a historical vehicle eligible
4 for registration under section 60-3,130 may use a license plate
5 or plates designed by this state in the year corresponding to the
6 model year when the vehicle was manufactured in lieu of the plates
7 designed pursuant to section 60-3,130.03 subject to the approval of
8 the department. The department shall inspect the plate or plates
9 and may approve the plate or plates if it is determined that the
10 model-year license plate or plates are legible and serviceable and
11 that the license plate numbers do not conflict with or duplicate
12 other numbers assigned and in use. An original-issued license plate
13 or plates that have been restored to original condition may be used
14 when approved by the department.

15 (2) The department may consult with a recognized car club
16 in determining whether the year of the license plate or plates
17 to be used corresponds to the model year when the vehicle was
18 manufactured.

19 (3) If only one license plate is used on the vehicle, the
20 license plate shall be placed on the rear of the vehicle. The owner
21 of a historical vehicle may use only one plate on the vehicle even
22 for years in which two license plates were issued for vehicles in
23 general.

24 (4) License plates used pursuant to this section
25 corresponding to the year of manufacture of the vehicle shall

1 not be personalized message license plates, Pearl Harbor license
2 plates, prisoner-of-war license plates, disabled veteran license
3 plates, Purple Heart license plates, amateur radio station license
4 plates, Nebraska Cornhusker Spirit Plates, ~~or~~ handicapped or
5 disabled person license plates, or specialty license plates.

6 Sec. 7. Original section 39-2215, Reissue Revised
7 Statutes of Nebraska, and sections 60-301, 60-3,104, and
8 60-3,130.04, Revised Statutes Cumulative Supplement, 2008, are
9 repealed.